

FACSIMILE TRANSMITTAL FORM	Application Number	10/748739
	Confirmation Number	7526
	Filing Date	December 30, 2003
	First Named Inventor	Coggio, William D.
	Examiner Name	Peter A. Szekely
Fax: 571-273-1124	Attorney Docket Number	59494US002
Total Number of Pages in This Submission: 10		
Date: October 10, 2007	Attorney for Applicant: Robert H. Jordan/jmc	

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Amendment Transmittal	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s)	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Appeal Communication to Technology Center (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosures:
<input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR § 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts under 35 USC 371 in US Designated/ Elected Office (DO/EO/US)	<input type="checkbox"/> Request for Refund	
	<input type="checkbox"/> Request for Continued Examination (RCE) Transmittal	
<input type="checkbox"/> Drawings	<input type="checkbox"/> After Allowance Communication to Technology Center	
REMARKS: Attached is a duplicate copy of the Request for Continued Examination (RCE) Transmittal; Terminal Disclaimer Under 37 CFR §1.321; Response Under 37 CFR §1.116; and our confirmation Fax Call Report dated September 14, 2007.		

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Case No.: 59491US002

32692

Customer Number

Request for Continued Examination (RCE) Transmittal

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DUE DATE(S)

ATTORNEY
DOCKETED

8 pages

First Named Inventor: Coggio, William D.
Application No.: 10/748739
Filed: December 30, 2003
Title: Stain Resistant Grout

Confirmation No.: 7520

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

1. **Submission required under 37 CFR § 1.114** *Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless Applicant instructs otherwise. If Applicant does not wish to have any previously filed unentered amendment(s) entered, Applicant must request non-entry of such amendment(s).*
 - a. ☐ Previously submitted. If a final Office Action is outstanding, any amendments filed after the final Office Action may be considered as a submission even if this box is not checked.
 - i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on ____.
 - ii. ☐ Other:
 - b. ☒ Enclosed:
 - i. ☒ Amendment/Reply
 - ii. ☐ Affidavit(s)/Declaration(s)
 - iii. ☐ Information Disclosure Statement (IDS)/Supplemental IDS
 - iv. ☒ Other: Terminal Disclaimer
2. ☒ A Request for Extension of Time is being filed concurrently.
3. **Fees:** The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.
 - ☐ The RCE fee required under 37 CFR § 1.17(e) will be made at the time of submission via EFS-Web. In the event fees are not or cannot be paid at the time of EFS-Web submission, please charge any fees under 37 CFR § 1.17 which may be required to Deposit Account No. 13-3723.
 - ☐ The Director is authorized to charge the RCE fee required by 37 CFR § 1.17(e) to Deposit Account No. 13-3723. A duplicate copy of this transmittal for fees processing is enclosed.
 - ☒ Please charge any additional fees associated with the prosecution of this application to Deposit Account No. 13-3723. This authorization includes the fee for any necessary extension of time under 37 CFR § 1.136(a). To the extent any such extension should become necessary, it is hereby requested.
 - ☒ Please credit any overpayment to the same deposit account.

Respectfully submitted,

Sep 14, 2007
Date

By: Robert H. Jordan
Robert H. Jordan, Reg. No.: 31,973
Telephone No.: 651-733-6866

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: (651) 736-3833

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-0025.
- ☐ transmitted to United States Patent and Trademark Office on the date shown below via the Office electronic filing system.

September 14, 2007
Date

Joyce M. Courtney
Signed by: Joyce M. Courtney

Post
9/14/07
JMC

32692

Customer Number

Patent
Case No.: 59494US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: COGGIO, WILLIAM D.
Application No.: 10/748739 Confirmation No.: 7526
Filed: December 30, 2003
Title: STAIN RESISTANT GROUP

TERMINAL DISCLAIMER UNDER 37 CFR § 1.321

DUE DATE(S)

ATTORNEY

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Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR § 1.8(a))

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- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-8300.
- ☐ transmitted to United States Patent and Trademark Office on the date shown below via the Office electronic filing system.

Date

Signed by: Joyce M. Courtney

Dear Sir:

Petitioner, 3M Innovative Properties Company, a corporation of the State of Delaware having a place of business at 3M Center, St. Paul, MN, represents that it is the exclusive owner of the entire interest in the above-identified application (referred to as the "Subject Application") by virtue of an assignment recorded at Reel 015563, Frame 0725, on July 15, 2004. Petitioner further represents that it is the exclusive owner of the entire interest in U.S. Patent No. 6,646,088 (referred to as the "Prior Patent"), by virtue of an assignment recorded at Reel 12968, Frame 211/14, on June 10, 2002.

Petitioner disclaims the terminal part of any patent granted on the Subject Application (referred to as a "Subject Patent") which would extend beyond the expiration date of the full statutory term, as defined in 35 USC §§ 154 to 156 and 173 and as presently shortened by any terminal disclaimer, of the Prior Patent. Petitioner hereby agrees that the Subject Patent shall be enforceable only for and during such period that the legal title to such patent and the Prior Patent

USSN: 10/748739

Docket No.: 59494US002

are commonly owned. This agreement is to run with the Subject Patent and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any Subject Patent that would extend to the expiration date of the full statutory term as defined in 35 USC §§ 154 to 156 and 173 of the Prior Patent, as presently shortened by any terminal disclaimer, in the event such Prior Patent later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Documents establishing the chain of title of the Subject Application and of the Prior Patent (including the aforementioned assignments and recording locations) have been reviewed and I certify that, to the best of my knowledge and belief, title is in Petitioner.

I declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 USC § 1001 and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Fees

- ☐ Any required fee under 37 CFR § 1.20(d) will be made at the time of submission via EFS-Web. In the event fees are not or cannot be paid at the time of EFS-Web submission, please charge any fees under 37 CFR § 1.20(d) which may be required to Deposit Account No. 13-3723.
- ☒ Please charge any fees under 37 CFR §§ 1.20(d) which may be required to Deposit Account No. 13-3723. (One copy of this sheet marked duplicate is enclosed.)
- ☒ Please charge any additional fees associated with the prosecution of this application to Deposit Account No. 13-3723. This authorization includes the fee for any necessary extension of time under 37 CFR § 1.136(a). To the extent any such extension should become necessary, it is hereby requested.
- ☒ Please credit any overpayment to the same deposit account.

USSN: 10/748739

Docket No.: 59494US002

Respectfully submitted,

Date Sep 14, 2007

By: Robert H. Jordan
Robert H. Jordan, Reg. No.: 31,973
Telephone No.: 651-733-6866

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833